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Europäisches  
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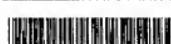
Office européen  
des brevets

Generaldirektion 1

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Date  
05.04.06

Reference  
P20414EP/T2 Mk5

Application No./Patent No.  
05019445.5 - 2221

Applicant/Proprietor  
Sony Communication Network Corporation

#### Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 44a EPC, the European search report (R. 44 EPO) or the partial European search report/ declaration of no search (R. 45 EPO) and the European search opinion.

Copies of documents cited in the European search report are attached.

2 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

Abstract

Title

the Abstract was modified and the definitive text is attached to this communication.

The following figure will be published together with the abstract: 2

#### Refund of the search fee

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





## **DOCUMENTS CONSIDERED TO BE RELEVANT**

DOCUMENTS CONSIDERED TO BE RELEVANT			Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Category	Citation of document with indication, where appropriate, of relevant passages			
X	<p>C.G. HARRISON, D.M.CHESS, A.KERSHENBAUM: "Mobile Agents: Are they a good idea?" IBM RESEARCH REPORT, IBM T.J. WATSON RESEARCH CENTER, [Online] 28 March 1995 (1995-03-28), pages 1-21, XP002186048 NY, USA Retrieved from the Internet: URL:<a href="http://www.research.ibm.com/">http://www.research.ibm.com/</a>&gt; [retrieved on 2001-12-18]</p> <ul style="list-style-type: none"> <li>* Description of mobile agent-based computing, p.1-5 *</li> <li>* Alternatives to mobile agents, p.6-7 *</li> <li>* Mobile agents enable intelligent mail handling, p.15 *</li> </ul>		1-23	INV. G06Q10/00 G06F3/023 G06F9/44
X	<p>CHESS D ET AL: "Itinerant agents for mobile computing" IEEE PERSONAL COMMUNICATIONS, OCT. 1995, USA, vol. 2, no. 5, October 1995 (1995-10), pages 34-49, XP002941389 USA ISSN: 1070-9916  <ul style="list-style-type: none"> <li>* Itinerant Agent Framework, p.38-44 *</li> <li>* Itinerant Agent Arrival and Departure, p.44-45 *</li> </ul> </p>		1-23	<p>TECHNICAL FIELDS SEARCHED (EPO)</p> <p>G06F G06Q</p>
<p>The present search report has been drawn up for all claims</p>				
5	Place of search	Date of completion of the search		Examiner
	Munich	28 March 2006		Corcoran, P
	CATEGORY OF CITED DOCUMENTS			
	<p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document in the same category A : technological background D : document disclosed in the application P : intermediate document</p>			
	<p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document disclosed in the application L : document cited for other reasons</p>			
	<p>B : member of the same patent family, corresponding document</p>			

The present search report has been drawn up for all claims

Planos de escritórios

Date of completion of the research

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Examiner

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**CATEGORY OF CITED DOCUMENTS**

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- X : particularly relevant if taken alone  
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 A : technological background  
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D: document cited in the application  
L: document cited for other reasons

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A: member of the same patent family, corresponding document



DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	BHARAT K A ET AL: "Migratory applications" EIGHTH ANNUAL SYMPOSIUM ON USER INTERFACE SOFTWARE AND TECHNOLOGY, UIST 95. PROCEEDINGS OF THE ACM SYMPOSIUM ON USER INTERFACE SOFTWARE AND TECHNOLOGY, PROCEEDINGS OF UIST 95: 8TH ACM SYMPOSIUM ON USER INTERFACE AND SOFTWARE TECHNOLOGY, PITTSBURGH,, 14 November 1995 (1995-11-14), pages 133-142, XP002186049 NY, USA ISBN: 0-89791-709-X * Abstract * * 1. Introduction * * 2. Programming Model * * 3. Application Programming *	1-23	
A	W.S. REILLY, J. BATES: "Building Emotional Agents" SCHOOL OF COMPUTER SCIENCE, CARNEGIE MELLON UNIVERSITY, TECHNICAL REPORT CMU-CS-92-143, [Online] May 1992 (1992-05), pages 1-13, XP002186050 USA Retrieved from the Internet: URL: <a href="http://www-2.cs.cmu.edu/afs/cs.cmu.edu/project/oz/web/papers.html">http://www-2.cs.cmu.edu/afs/cs.cmu.edu/project/oz/web/papers.html</a> > [retrieved on 2001-12-18] * 2. Overview of Tok * * 3. Models of Emotion * * 4. Integration: Behavioral Features * * 5. Social Knowledge * -/-	20-23	TECHNICAL FIELDS SEARCHED (IPC)
	The present search report has been drawn up for all claims		
Place of search		Date of completion of the search	Examiner
Munich		28 March 2006	Corcoran, P
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## DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
A	BLUMBERG B M ET AL: "Multi-level direction of autonomous creatures for real-time virtual environments" COMPUTER GRAPHICS PROCEEDINGS. SIGGRAPH 95, PROCEEDINGS OF SIGGRAPH '95, LOS ANGELES, CA, USA, 6-11 AUG. 1995, 6 August 1995 (1995-08-06), pages 47-54, XP000546215 1995, New York, NY, USA, ACM, USA ISBN: 0-89791-701-4 * 6. Behavior System * * 8. Implementation *	20-23	
A	COSTA M ET AL: "Agents with emotions in behavioral animation". COMPUTERS & GRAPHICS, MAY-JUNE 1996, ELSEVIER, UK, vol. 20, no. 3, June 1996 (1996-06), pages 377-384, XP004018615 ISSN: 0097-8493 * 2. Emotions * * 3. Agents * * 5. The Reactive Agent Structure * * 6. The Reactive Emotional Response Architecture *	20-23	TECHNICAL FIELDS SEARCHED (IPC)
The present search report has been drawn up for all claims			
5	Place of search Munich	Date of completion of the search 28 March 2006	Examiner Corcoran, P
CATEGORY OF CITED DOCUMENTS			
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T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons & : member of the same patent family, corresponding document			



## Beschluß/Protokoll (Anlage)

## Communication/Minutes (Annex)

## Notification/Procès-verbal (Annexe)

Datum  
Date  
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Feuille

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Anmelde-Nr.:  
Application No.: 05 019 445.5  
Demande n°:**The examination is being carried out on the following application documents:**

Description, Pages: 1-48 as originally filed  
Claims, Numbers: 1-38 as originally filed  
Drawings, Sheets: 1/54-54/54 as originally filed.

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**1. Co-Pending Applications****1.1 Reference is made to the following co-pending European patent applications:**

97 122 449 00 124 748  
97 122 454 00 124 923 05 018 699

The applicant's attention is drawn to the fact that in accordance with the established practice of the EPO two patents shall not be granted to the same applicant for one invention. It is only permissible to allow an applicant to proceed with multiple applications disclosing substantially the same subject matter where the claims are quite distinct in scope and directed to different inventions, (cf. Guidelines C-IV 6.4 and VI 9.6). The descriptions and drawings of the present application and the other cited co-pending applications appear to be substantially identical. The claims of said applications recite subject matter of similar scope albeit using somewhat different wording. The intended difference in scope and the corresponding distinguishing technical features of the claimed inventions are not at present clear to the examiner.

For this reason it is requested that the applicant amend said applications to allow the intended difference in scope of the claimed subject matter to be clearly determined. Otherwise, one of said applications should be designated as the basis for a continuation of the examination procedure. Further substantive examination requires clarification on this point as a matter of urgency.

**2. Observations re. divisional application**

2.1 The present application is a divisional application, the parent application being European patent application nr. 97 122 449. In this regard, it is noted that parent and divisional applications may not claim the same subject-matter. This means not only that they must not contain claims of substantially identical scope, but also that one application must not claim the subject-matter claimed in the other, even in different words. The difference between the claimed subject-matter of the two applications must be clearly distinguishable, (cf. Guidelines C-VI 9.6). If the divisional application's subject-matter is



restricted to only a part of the subject-matter as claimed in the parent application, this subject-matter must be directly and unambiguously derivable as such a separate entity, which could be used outside the context of the invention of the parent application, (cf. Guidelines C-VI 9.4).

- 2.2 In the present case, the claims of the divisional application as filed appear to be substantially identical to the claims filed in the case of the parent application. Hence, no difference in the scope of protection being claimed is evident from the set of claims currently on file. It is further noted that the description and drawings of the parent application and the divisional application appear to be the substantially same, and, therefore, any difference in the scope of protection is not immediately evident from the wording of the claims alone.
  - 2.3 In view of the foregoing, clarification is required in respect of the invention on which the divisional application is intended to be based. The applicant is requested as a matter of urgency to provide the requisite clarification and to indicate the distinction between the invention forming the subject of the divisional application and the invention claimed in the parent application. Where appropriate the description of the divisional application should be adapted accordingly.
  - 2.4 The description and drawings of the parent application and the or each divisional application should in principle be confined to matter which is relevant to the invention claimed in that application, (see Guidelines C-VI 9.5). To the extent that the application contains subject matter clearly unrelated to or inconsistent with the invention to be claimed in the divisional application, the description should be amended accordingly.
  - 2.5 The applicant is advised that further substantive examination in the present case cannot proceed until the requested clarification has been provided in respect of the separate invention intended to form the subject of the divisional application.
- 3 Preliminary Observations concerning Article 52(1) EPC
  - 3.1 Dual priority  
The present application claims priority from both JP 355047/1996 (20.12.1996) and JP 166639/1997 (09.06.1997). In order to facilitate a determination of the relevant priority



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Anmelde-Nr.  
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Demande n°:

dates, the applicant is requested to indicate for the subject matter of each claim from which of the cited priority documents its priority is derived.

### 3.2 Art. 52(2) & (3) EPC

Insofar as the content of the application can be understood it would appear that the applicant is seeking protection for a computer program as such. The application is understood to disclose subject matter relating to a user interface program for an electronic mail system, said user interface program incorporating animated interface artefacts and being capable of sending and receiving e-mail messages in a proprietary format for interaction with other instances of the same user interface program. The examining division has doubts as to whether claims directed towards such a user interface program or elements thereof can be considered as seeking protection for anything more than a computer program as such. In this regard it is noted that although claims 9, 12 and 14 are cast in the form of "apparatus" claims, the features of the "apparatus" recited in said claims appear to relate solely to aspects of the disclosed user interface program. Hence it is not evident that said claims seek protection for anything more than a computer program as such. To the extent that the claims are interpreted as being directed towards a computer program as such, the subject matter recited therein must be considered to fall under the exclusions of Art. 52(2)(c) and (3) EPC.

- 3.3 Even if the applicant were to succeed in establishing that the claimed subject matter does not fall under the exclusions of Art. 52(2)(c) and (3) EPC, the examiner cannot at present identify any satisfactory basis for acknowledging an inventive step in respect of the subject matter of the application. In this regard, the applicant is referred to the relevant observations set forth in the first official communication in respect of the parent application, (European patent application no. 97122449). For the sake of brevity these observations will not be repeated in detail in the present communication.

### 4. Concluding Remarks

- 4.1 At least some of the objections raised above are of such a nature that it appears that the application should be refused under Article 97(1) EPC. Should the applicant nevertheless regard some particular matter as patentable an independent claim including such matter should be filed taking particular account of the requirements of Article 84 EPC in respect of clearly defining the matter for which protection is sought.



Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)		Notification/Procès-verbal (Annexe)	
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Likewise, the applicant's particular attention is directed towards the need to clarify the nature of the separate invention intended to form the subject of the divisional application. Unless clarification is provided on this point as a matter of urgency, the application may be rejected due to inadmissibility as a *bona fide* divisional application.

**NB:** In conclusion, the applicant is reminded that the content of a European patent application may only be amended within the limits laid down in Art. 123(2) EPC. Any information concerning the subject matter of the invention, e.g. further details of its advantages or of the problem it solves, and for which there is no basis in the application as filed, should be confined to the letter of reply rather than be incorporated into the application (cf. Guidelines C-VI 5.7 et seq.).

Where replacement pages are filed the applicant should, in the interests of procedural efficiency, identify clearly all amendments made, and indicate on which passages of the original application these amendments are based, (cf. Guidelines E-II 1.). The filing of completely retyped application documents will normally be objected to, for reasons of procedural economy, as these documents will have to be checked for correspondence with the original documents (see decision T 113/92). Only where the amendments are so extensive as to affect the legibility of the copies, replacement pages must be filed, (cf. Guidelines E-II 2.).